

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

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HEATHER GAGHAN,

Plaintiff,

vs.

MIDLAND FUNDING, LLC,

Defendant.

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Case No. 2:21-cv-190

**NOTICE OF REMOVAL**

Defendant, Midland Funding, LLC (“Defendant”), by and through its undersigned counsel, hereby files this Notice of Removal pursuant to 28 U.S.C. §1441(a). The grounds for this removal are set forth as follows:

1. On or about January 18, 2021, Plaintiff, Heather Gaghan (the “Plaintiff”), filed a Complaint in the Court of Common Pleas of Allegheny County, Pennsylvania entitled *Heather Gaghan v. Midland Funding, LLC*, at Docket Number GD-20-012961 (the “State Court Action”).

2. Pursuant to § 1446(a), a copy of the Complaint, which constitutes copies of all “process, pleadings, and orders” in the State Court Action is attached hereto as **Exhibit 1**. Please note that the Complaint includes a Confidential Document Form under 204 Pa.Code §213.81 that was submitted by Plaintiff in connection with the Complaint. The Confidential Document Form is being provided as part of **Exhibit 1**. The corresponding Exhibits of the Complaint that were filed with the Confidential Document Form, namely, Exhibits E and F, have been fully redacted out of an abundance of caution.

3. Plaintiff’s action is a civil action over which this Court has original jurisdiction under 28 U.S.C. §1331 and is one which may be removed to this Court by Defendant pursuant to

the provisions of 28 U.S.C. §1441(a) because the only count of the Complaint alleges violations against Defendant under the FDCPA

4. This Notice of Removal is being timely filed within thirty (30) days of receipt of the Complaint as required by 28 U.S.C. §1446(b).

5. Pursuant to 28 U.S.C. §1446(d), a copy of this Notice of Removal is being served upon Plaintiff and a copy is being filed with the Prothonotary for the Court of Common Pleas of Allegheny County, Pennsylvania.

6. A copy of the Notice of Filing of Notice of Removal, which is being filed with the clerk of the state court in which the action is pending (and which will be served on Plaintiff's counsel pursuant to 28 U.S.C. § 1446(d)), is attached hereto as **Exhibit 2**.

7. This Court is part of the "district and division" embracing the place where the Complaint was filed—Allegheny County, Pennsylvania—and so this Court is the proper venue for purposes of removal. 28 U.S.C. § 1446(a).

8. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

9. If Plaintiff seeks to remand this case, or this Court considers remand *sua sponte*, Defendant respectfully requests the opportunity to submit such additional argument or evidence in support of removal as may be necessary.

**WHEREFORE**, Midland Funding, LLC respectfully requests that this action be removed to the United States District Court for the Western District of Pennsylvania.

Respectfully submitted,

**BLANK ROME, LLP**

Dated: February 8, 2021

/s/ Michael P. Trainor

Michael P. Trainor, Esq., Attorney ID No. 209299

One Logan Square – 130 N. 18<sup>th</sup> Street  
Philadelphia, PA 19103  
Tel. (215) 569-5685  
Fax (215) 832-5685  
Email: [mtrainor@blankrome.com](mailto:mtrainor@blankrome.com)  
*Counsel for Midland Funding, LLC*

**CERTIFICATE OF SERVICE**

I, Michael P. Trainor, hereby certify that a true and correct copy of the foregoing document was served upon the following individuals via electronic and regular mail.

The Law Firm of Fenters Ward  
Joshua Ward, Esq.  
Kyle H Steenland, Esq.  
The Rubicon Building  
201 South Highland Avenue, Suite 201  
Pittsburgh, PA 15206  
[ksteenland@fentersward.com](mailto:ksteenland@fentersward.com)  
[jward@fentersward.com](mailto:jward@fentersward.com)  
*Counsel for Plaintiff*

Dated: February 8, 2021

/s/ Michael P. Trainor

Michael P. Trainor